

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

ORDER

AND NOW, this day of , 2005, upon
consideration of Plaintiff's Motion for Reconsideration of this Court's
March 1, 2005 Order, and Major Mooney's Response thereto, it is hereby
ORDERED that Plaintiff's Motion for Reconsideration is DENIED.

BY THE COURT:

NORMA L. SHAPIRO, S.J.

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	:	
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	:	
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**RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR
RECONSIDERATION**

Defendant Mooney opposes Plaintiff's Motion for Reconsideration, incorporates by reference the Commonwealth defendants' Motion to Dismiss, and this Court's Opinion and Order dated March 1, 2005, and states the following in support of his Response in Opposition to Reconsideration:

I. ARGUMENT

**A. Plaintiff's Motion for Reconsideration appears to be
Untimely**

"Any motion to alter or amend a judgment shall be filed no later than 10 days after entry of the judgment." Fed.R.Civ.P. 59(e). Plaintiff moves this Court to reconsider its Order dated March 1, 2005. Plaintiff alleges that the Order was entered March 3, 2005. Plaintiff's Motion for Reconsideration is dated March 14, 2005. Plaintiff's Motion appears to be untimely.

B. Plaintiff's Motion for Reconsideration is meritless

A motion for reconsideration is meritorious if there is: (i) new evidence not previously available; (ii) an intervening change in controlling law; or (iii) a need to correct a clear error of law

or to prevent a manifest injustice. *See General Instrument Corp. of Delaware v. Nu-Tek Elecs. & Mfg., Inc.*, 3 F.Supp.2d 602, 606 (E.D.Pa. 1998), *aff'd*, 197 F.3d 83 (3d Cir. 1999); *see also Evans v. United States*, 173 F.Supp. 2d 234, 335 (E.D.Pa. 2001); *Environ Prods., Inc. v. Total Containment, Inc.*, 951 F.Supp. 57, 62 n.* (E.D.Pa. 1996); *Cohen v. Austin*, 869 F.Supp. 320, 321 (E.D.Pa. 1994). “Because federal courts have a strong interest in the finality of judgments, motions for reconsideration should be granted sparingly.” *Continental Cas. Corp. v. Diversified Indus., Inc.*, 884 F.Supp. 937, 943 (E.D.Pa. 1995). A general dissatisfaction with the court’s ruling is not a valid ground for granting a motion for reconsideration. *See, e.g., U.S. v. Phillips*, 2001 WL 527810, at *1 (E.D.Pa. May 17, 2001) (a difference of opinion with the court is not an appropriate ground for granting reconsideration).

Johnson v. Knorr, 2003 WL 22657125, at *1 (E.D.Pa. October 28, 2003).

Plaintiff simply reiterates his dismissed claims, cites the standard of review, and concludes that this Court abused its discretion and committed a clear error of law in dismissing them. In support of his assertions, he offers nothing more than his opinion.

II. CONCLUSION

Accordingly, Plaintiff’s Motion for Reconsideration should be DENIED as set forth in the proposed Order.

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

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Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Response in Opposition to Plaintiff's Motion for Reconsideration was filed electronically and is available for viewing and downloading from the ECF system as of March 25, 2005. I further certify that a true and correct copy of said document was mailed on March 25, 2005:

Wilmer Gay
Inmate AF-2709
State Correctional Institution - Huntingdon
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ATTORNEY GENERAL

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